



07-25-06

Appl. No. 10/743,505

IFW\$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:	§	Date: July 24, 2006
Neary, David Lloyd	§	Examiner: Ted Kim
Neary, David Lloyd	§	
Application No.: 10/743,505	§	Art Unit: 3746
Filing Date: December 22, 2003	§	
For: Power Cogeneration System and Apparatus	§	
For Improved High Thermal Efficiencies and	§	
Ultra-Low Emissions	§	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir or Ms:

Transmitted herein is a response to Office Communication mailed July 18, 2006, in the above identified application.

The following items are enclosed:

**Contents**

**Part A :**

1. Stamped, self-addressed postcard to be returned;
2. Certificate of Mailing by Express Mail; ( 1 page)

**Part B:**

1. USPTO Office Communication mailed July 18, 2006, from  
La Shawn Morgan of the Legal Instruments Group (TC 3700, RND -6th)  
concerning 37 CFR 1.121 compliance (see attached copy) ( 1 page)
2. Corrected first page of claims contained within July 3, 2006 Amendments (1 page)  
to the Claims, therein noting the cancellation of claims 1-9 as originally stated  
in the submitted September 19, 2005 amended claims. The applicant's  
July 3, 2006 omission of the noted cancelled claims 1-9 was unintentional.

**Part C: Additional Applicant Submittal**

Statutory Disclaimer Statement of Purpose, attached Terminal Disclaimer Form (2 pages)  
( PTO/SB/26 with attached \$65.00 fee payment, Bank Cashier's Check).

Respectfully submitted,

A handwritten signature in cursive script that reads "David L. Neary".

David L. Neary (Inventor-Applicant)

3557 Kimble Drive

Plano, TX 75025, Phone: 972-987-8019



Appl. No. 10/743,505

### **CERTIFICATE OF MAILING**

I hereby certify that on July 24, 2006 the foregoing is being deposited with the United States Postal Service in an envelop addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" with Express Mailing Label No. ED 625085652 US.

A handwritten signature in cursive script that reads "David L. Neary".

David L. Neary

Applicant

Express Mail No. ED 625085652 US

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/743505

Examiner

Applicant(s)

NEARY, D

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 03 July 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims 1-9, are not mentioned as canceled in this Amendment.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

LaShawn Morgan

Legal Instruments Examiner (LIE), if applicable

571-272-4374

Telephone No.